

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

Alex Marcum

**PLAINTIFF**

v.

**CIVIL ACTION****No. 3:24-cv-97-MPM-JMV**

Lincoln Steven Lewis  
Oscar Phillips  
Jennifer Key  
Marshall County, Mississippi

**DEFENDANTS**

**CASE MANAGEMENT ORDER**

This Order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the Court on a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record.

**IT IS HEREBY ORDERED:**

**1. ESTIMATED DAYS OF TRIAL:** 3

**ESTIMATED TOTAL NUMBER OF WITNESSES:** 8

**EXPERT TESTIMONY EXPECTED:** Yes

**NO. OF EXPERTS:**

1-2

Enter explanation (if necessary) here:

**2. ALTERNATIVE DISPUTE RESOLUTION [ADR]. (Pick one)**

Edit #2

Alternative dispute resolution techniques appear helpful and will be used in this civil action as follows:

A settlement conference with the Court will be set as needed.

**3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE. (Pick one)**

The parties do not consent to trial by a United States Magistrate Judge.

**4. DISCLOSURE.** (Pick one)

Edit #4

The following additional disclosure is needed and is hereby ordered:

Defendant Lewis will complete disclosures within 10 business days from today. Newly added defendants will make disclosures on or before 14 days following their first responsive pleading.

**5. MOTIONS; ISSUE BIFURCATION.** (Pick one)

Edit #5

Staged resolution/bifurcation will assist in the prompt resolution of this action. The Court orders that:

The parties agree that should the issue of punitive damages survive, then the trial court shall have discretion to bifurcate the damages phases of the trial.

Early filing of the following motion(s) might significantly affect the scope of discovery or otherwise expedite the resolution of this action:

**6. DISCOVERY PROVISIONS AND LIMITATIONS.**

- A. Interrogatories are limited to 25 succinct questions.
- B. Requests for Production are limited to 25 succinct questions.
- C. Requests for Admissions are limited to 25 succinct questions.
- D. Depositions are limited to the parties, experts, and no more than 5 fact witness depositions per party without additional approval of the Court.

- E.** The parties have complied with the requirements of Local Rule 26(f)(2)(B) regarding discovery of electronically stored information and have concluded as follows:

To identify and preserve any potential ESI, counsel for the parties have alerted or will alert their clients to ensure proper protections are in place to prevent deletions of documents potentially relevant to this litigation, to notify those persons in relevant positions to refrain from destroying ESI that may be relevant to the claims in this litigation and to ensure that no inadvertent deletion of ESI occurs. For any relevant documentation, the parties will produce such communication via hard copy. The parties do not anticipate requesting any discoverable ESI with embedded data and/or metadata. For any ESI discovered during the course of this litigation, however, the parties have agreed to produce paper copies of any electronically stored documents that are produced in response to document requests. The parties are not aware of any discoverable ESI that is not reasonably accessible at this time. In the event any privileged information is inadvertently disclosed via any ESI, the parties have agreed that the privilege is not waived.

- F.** The court imposes the following further discovery provisions or limitations:

- ☐ 1. The parties have agreed that defendant may obtain a Fed.R.Civ. P. 35 (L.U.Civ.R. 35) medical examination of the plaintiff (within subpoena range of the court) by a physician who has not examined the plaintiff, and that defendant may arrange the examination without further order of the court. The examination must be completed in time to comply with expert designation discovery deadlines.
- ☒ 2. Pursuant to FED.R.EVID. 502(d), the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.
- ☒ 3. Plaintiff must execute an appropriate, HIPAA-compliant medical authorization.
- ☒ 4. The court desires to avoid the necessity of filing written discovery motions where court participation in an informal discussion of the issue might resolve it, even after the parties have been unsuccessful in a good faith attempt to do so. Consequently, before a party may serve any discovery motion, counsel must first confer in good faith as required by Fed. R. Civ. P. 37(a)(1). If the attorney conference does not resolve the dispute, counsel must contact the chambers of the magistrate judge to request a telephonic conference to discuss the issue as contemplated by Fed. R. Civ. P. 16(b)(3)(B)(v). Only if the telephonic conference with the judge is unsuccessful in resolving the issue may a party file a discovery motion.
- ☐ 5. Other:

Additional information:

## 7. SCHEDULING DEADLINES

**A. Trial.** This action is set for JURY TRIAL

RESET DURATION

beginning on: January 20, 2026, at 9:40, a.m., in Oxford,  
Mississippi, before United States District Judge Michael M. Mills.

THE ESTIMATED NUMBER OF DAYS FOR TRIAL IS 3. ANY CONFLICTS WITH  
THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO THE TRIAL JUDGE  
IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT ORDER.

**B. Pretrial.** The pretrial conference is set on: December 18, 2025, at 10:00, a.m.,  
in Greenville, Mississippi, before United States Magistrate  
Judge Jane M. Virden.

**C. Discovery.** All discovery must be completed by: June 17, 2025.

**D. Amendments.** Motions for joinder of parties or amendments to the pleadings must be  
filed by: January 21, 2025.

**E. Experts.** The parties' experts must be designated by the following dates:

1. Plaintiff(s): March 21, 2025.

2. Defendant(s): April 21, 2025.

**8. MOTIONS.** All dispositive motions and *Daubert*-type motions challenging another party's expert

must be filed by: July 21, 2025. The deadline for motions *in limine* is twenty-one (21) calendar days prior to the pretrial conference; the deadline for responses is fourteen (14) calendar days before the pretrial conference.

**9. SETTLEMENT CONFERENCE.**

Edit #9

Early Settlement Conference and additional Settlement Conference

**10. REPORT REGARDING ADR.** On or before (7 days before FPTC) December 11, 2025, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See L.U.Civ.R.83.7(f)(3).*

**SO ORDERED:**

October 8, 2024  
DATE

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE